

Message Text

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PAGE 01 SANTIA 07467 092054Z

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ACTION VOE-00

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 1363

UNCLAS SANTIAGO 7467

E.O. 11652: N/A

TAGS: CVIS, CI

SUBJECT: VISAS: INQUIRY FROM CHURCH WORLD SERVICE

REF: STATE 264521

1. IT IS NOT REPEAT NOT TRUE, AS ALLEGED BY CWS, THAT EMBASSY'S CONSULAR SECTION IS ENFORCING SOME "NEW DISPOSITION" WHICH RESULTS IN VISAS ONLY FOR THE WEALTHY.

2. CONSULAR SECTION HAS ALWAYS PREDICATED ITS NON-IMMIGRANT VISA DECISIONS ON REQUIREMENTS OF INA THAT APPLICANTS HAVE RESIDENCE THEY DO NOT INTEND TO ABANDON. ECONOMIC CRITERIA ARE, NATURALLY, AMONG THOSE CONSIDERED IN ATTEMPTING TO DETERMINE WHETHER APPLICANTS HAVE REAL -- BUT USUALLY NOT EXPRESSED -- INTENTION OF ABANDONING RESIDENCE IN CHILE AND REMAINING INDEFINITELY IN U.S. CONSULAR OFFICERS HAVE PAID SPECIAL ATTENTION TO FACTORS GIVEN IN NOTE 2.1 OF 9 FAM, PART II, 22 CRF 41.25.

3. INEVITABLY, ECONOMIC FACTORS HAVE ASSUMED GREATER IMPORTANCE IN NIV DECISIONS DURING PAST YEAR BECAUSE OF DIFFICULT ECONOMIC SITUATION IN CHILE. INFLATION IS RUNNING AT ANNUAL RATE OF 350 PERCENT, WAGES ARE NOT KEEPING UP WITH PRICE INCREASES, AND RESULTING PINCH IS BEING FELT MOST AT LOWER- AND LOWER-MIDDLE INCOME LEVELS. IT IS ALSO PERSONS AT THESE INCOME LEVELS WHO HAVE MOST CONSISTENT RECORD OF OVERSTAYS AND WORKING IN U.S. THUS, NIV REFUSAL RATE AMONG THIS GROUP IS ADMITTEDLY HIGHER THAN AMONG HIGHER INCOME GROUPS WHO STILL HAVE GOOD LIFE IN CHILE AND THUS HAVE SOMETHING TO RETURN TO.

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PAGE 02 SANTIA 07467 092054Z

4. ALTHOUGH IT DEFINITELY NOT REPEAT NOT OUR POLICY TO REFUSE YOUNG PROFESSIONALS AND STUDENTS AS A GROUP OR CLASS, IT IS POSSIBLE THAT SOME HAVE BEEN REFUSED EVEN IF "ALL THEIR EXPENSES COVERED." BASIS OF REFUSAL WOULD HAVE BEEN 214(B) OR 101(A) (15) RATHER THAN 212(A)(15) BECAUSE THEY ARE OFTEN JUDGED TO BE INTENDING IMMIGRANTS RATHER THAN LIKELY PUBLIC CHARGES.

5. CONSOFFS CAN THINK OF NUMEROUS OCCASIONS IN WHICH PERSONS OF MODEST MEANS, WHOSE EXPENSES WERE COVERED, WERE ISSUED VISAS BECAUSE CONSOFF FELT THEY DID HAVE MOTIVATION TO RETURN TO CHILE AFTER TEMPORARY VISIT IN U.S. ON OTHER HAND, WE HAVE HAD NUMEROUS CASES -- SOME OF WHICH RESULTED IN COMPLAINTS FROM WELL-SITUATED FRIENDS AND RELATIVES -- OF WELL-OFF APPLICANTS WHO WERE REFUSED PRECISELY BECAUSE CONSOFFS DETECTED INTENTION TO REMAIN INDEFINITELY IN U.S.

6. WE BELIEVE CHURCH WORLD SERVICE COMPLAINT IS REALLY WITH U.S. IMMIGRATION LAW AND RELATED ENFORCEMENT REQUIREMENTS STEMMING FROM ECONOMIC SITUATION IN CHILE, RATHER THAN WITH ANY IMAGINED "NEW DISPOSITION" BEING ENFORCED BY EMBASSY'S CONSULAR OFFICERS.

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